

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

PACIFIC OFFICE AUTOMATION INC.,
an Oregon corporation,

Plaintiff,

v.

PITNEY BOWES INC., a Delaware corporation; PITNEY BOWES GLOBAL FINANCIAL SERVICES LLC, a Delaware limited liability company; THE PITNEY BOWES BANK, INC., a federal banking institution; and WHEELER FINANCIAL FROM PITNEY BOWES INC., a Delaware corporation,

Defendants.

Case No. 3:20-cv-00651-AR

STIPULATED ORDER RESOLVING DEFENDANTS' THIRD MOTION TO COMPEL (AS MODIFIED) AND FOURTH MOTION TO COMPEL

STIPULATION

The undersigned counsel of record for the parties do hereby stipulate and agree as follows:

1. Defendants' Third Motion to Compel (EFC No. 71), as modified by Defendants' Request for Hearing on Motion to Compel (ECF No. 100), is granted.
2. Defendants' Fourth Motion to Compel (ECF No. 102) is granted.

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3. Defendants' Requests for Attorneys Fees' in connection with those motions will be handled as follows:

- a. If Plaintiff produces all outstanding documents and information committed to related to the Third Motion to Compel (as modified) and the Fourth Motion to Compel by May 22, 2022, then Defendants will defer seeking attorneys fees for the Third and Fourth Motions to Compel until the end of the case. Defendants reserve all rights to seek attorneys fees, and Plaintiff reserves all rights to object to attorneys fees.
- b. If Plaintiff does not produce all outstanding documents and information related to the Third Motion to Compel (as modified) and Fourth Motion to Compel by May 22, 2022 (subject to agreed-to exceptions for missing documents whose responsiveness became apparent only as a result of documents and information Plaintiff produced by May 22, 2022), then Defendants shall be entitled to immediately file an application for their attorneys fees against Plaintiff and Manolio & Firestone PLC, jointly and severally, in connection with the Third Motion to Compel (both the original and the modified versions) and the Fourth Motion to Compel, and for the preparation of the application for attorneys fees. In connection with that application, Plaintiff and Manolio & Firestone PLC waive any objection to Defendants' entitlement to attorneys fees under FRCP 37(a)(5)(A), but Plaintiff and Manolio & Firestone PLC reserve their right to object to the amount of attorneys fees.

Stipulated to:

MANOLIO & FIRESTONE, PLC

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Attorneys for Defendants

ORDER

Based on the Stipulation of the Parties, the foregoing is **SO ORDERED.**

Dated: 4/25/2022

United States Magistrate Judge Jeffrey Armistead